

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

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File Number: 10-E-05-UR

Related File Number:

Application Filed: 9/6/2005

Date of Revision:

Applicant: LURLEY NOE

Owner:

PROPERTY INFORMATION

General Location: North side Thrall Dr., west of Briercliff Rd.

Other Parcel Info.:

Tax ID Number: 48 L C 027

Jurisdiction: City

Size of Tract: 0.6 acres

Accessibility: Access is via Thrall Dr., a local street with 21' of pavement width with 40' of right of way.

GENERAL LAND USE INFORMATION

Existing Land Use: Single family dwelling

Surrounding Land Use:

Proposed Use: Dance studio for disabled children

Density:

Sector Plan: North City

Sector Plan Designation: Low Density Residential

Growth Policy Plan: Urban Growth Area (Inside City Limits)

Neighborhood Context: This property is located within a single family neighborhood, zoned R-1.

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 3813 Thrall Dr

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-1 (Single Family Residential)

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning: None noted

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

Surveyor:

No. of Lots Proposed: No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge: Michael Brusseau

Staff Recomm. (Abbr.): DENY the application for a dance studio for disabled children as a home occupation in the R-1 zone.

Staff Recomm. (Full): The recommendation for denial is based on the number of vehicles that will be parked at the house on a regular, frequent basis and not meeting the requirement for student/teacher ratio. The request goes beyond the intent of the ordinance for approving a dance studio or any other home occupation in a residential area. A home occupation should not distract from the residential character of the neighborhood. In this case, what amounts to a commercial use would be located in the interior of a single-family residential area.

Comments: The applicant is requesting approval of a dance studio for disabled children as a home occupation. Home occupations are listed as a use permitted on review in the R-1 zoning district, and dance instruction may be permitted as a home occupation. The applicant lives at the house and is proposing to convert part of the indoor living area for the proposed dance studio. The studio will use 420 square feet of the 2,392 square foot house, which is about 17.5% of the total floor area of the house, well under the allowable floor area. The applicant is the primary teacher engaging in the home occupation, but, depending on the number of children participating in each session, there may be more than one teacher involved. The applicant has applied for a variance to allow a 2 to 1 student to teacher ratio rather than the required 1 to 1 ratio. The house has a driveway that can park up to 8 vehicles, but 6 vehicles would be blocked if the driveway were full.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE

1. The request will not place any additional demand on schools. Public water and sewer utilities are in place to serve the site.
2. The subject property is located in the interior of the neighborhood so the request will generate added traffic through residential streets.
3. The applicant is proposing to have one session per day for up to 4 days per week, which means that there could be a substantial number of parked vehicles at the house at these times. The driveway has the capacity to park up to 8 vehicles.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. The proposed home occupation is not consistent with the following general standards for uses permitted on review: The proposal is not consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is not in harmony with the general purpose and intent of the Zoning Ordinance. The use is not compatible with the character of the neighborhood where it is proposed. The use may injure the value of adjacent property. The use will draw substantial additional traffic through residential areas.
2. As proposed by the applicant, the home occupation does not meet all of the requirements of the attached Article 5, Section 12 of the Knoxville Zoning Ordinance, which provides standards for approval of a home occupation. Based on the request, it is possible that more than one person other than family members residing on the premises may be engaged in the occupation. More traffic will be generated than would normally be expected from a single-family dwelling in a residential neighborhood. This would occur on a frequent basis and would require an inappropriate number of vehicles to be parked at the site. Also, for dance instruction, the ordinance requires a 1 to 1 student/teacher ratio. The applicant has applied to the Knoxville Board of Zoning Appeals (BZA) for a variance to this requirement to allow a 2 to 1 ratio. The BZA will consider this request at their October 20, 2005 meeting. The intent of this zoning requirement is to conduct dance instruction limited to one or two students at a time, which would have little or no impact on the neighborhood.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The City of Knoxville One Year Plan and the North City Sector Plan propose low density residential uses for the subject property.
2. The proposed dance studio is a commercial use and is not consistent with the intent of the home occupation requirements of the Zoning Ordinance. There is no guarantee that the number of students served would not increase over time, thus increasing the impact this use would have on the neighborhood.

MPC's approval or denial of this request is final, unless the action is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.

MPC Action: Approved **MPC Meeting Date:** 10/13/2005

Details of MPC action: APPROVE the dance studio as a home occupation in the R-1 zone, subject to 5 condtions:
 1. No employees not living at the subject property may engage in the home occupation.
 2. No more than one class may take place per day.
 3. No more than four students may participate per class.
 4. No signage may be placed on the site.
 5. Obtaining approval of a variance from the Knoxville Board of Zoning Appeals (BZA) to change the required student to teacher ratio from 1:1 to 2:1.

Summary of MPC action: Approve

Date of MPC Approval: 10/13/2005 **Date of Denial:** **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: **Date of Legislative Action, Second Reading:**

Ordinance Number: **Other Ordinance Number References:**

Disposition of Case: **Disposition of Case, Second Reading:**

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**